

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ROBERT P. DONERY,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

CASE NO. 3:21-cv-05144-JRC

ORDER ON UNOPPOSED
MOTION FOR EQUAL ACCESS
TO JUSTICE ACT FEES AND
EXPENSES

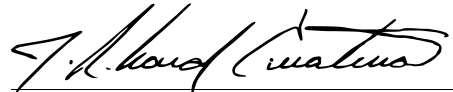
This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73, and Local Magistrate Judge Rule MJR 13. *See* Consent to Proceed Before a United States Magistrate Judge, Dkt. 2. This matter is before the Court on plaintiff's unopposed motion for attorney fees under the Equal Access to Justice Act, 28 U.S.C. § 2412 ("EAJA"). *See* Dkt. 31.

An application for attorney's fees under EAJA must include a declaration that plaintiff's "net worth did not exceed \$2,000,000 at the time the action was filed." 28 U.S.C. § 2412(d)(2)(B). Plaintiff does not appear to have filed such a declaration. However, this Court granted plaintiff's application to proceed in forma pauperis. *See* Dkt. 4. Therefore, based on the

1 EAJA, that defendant has no opposition, the attorney declaration and time and expense
2 itemizations (Dkt. 31-2), and the relevant record, it is hereby ORDERED that EAJA attorney's
3 fees of \$6,298.12 and expenses in the amount of \$15.50, shall be awarded to plaintiff pursuant to
4 the EAJA and consistent with *Astrue v. Ratliff*, 560 U.S. 586, 588–89 (2010).

5 The Commissioner shall contact the Department of Treasury after the Order for EAJA
6 fees is entered to determine if the EAJA fees are subject to any offset. If it is determined that
7 plaintiff's EAJA fees are not subject to any offset allowed pursuant to the Department of the
8 Treasury's Offset Program, then the check for EAJA fees shall be made payable to Charles W.
9 Talbot, Esq., based on plaintiff's assignment of these amounts to plaintiff's attorney. *See* Dkt.
10 31-2. If there is an offset, the remainder shall be made payable to plaintiff, based on the practice
11 of the Department of the Treasury. *See, e.g.,* Case No. 2:15-cv-122, Dkt. 22, at 4. Any check for
12 EAJA fees shall be mailed to plaintiff's counsel, Charles W. Talbot, Esq., at Talbot and
13 Associates, P.S., 5005 Center Street, Suite E, Tacoma, Washington 98409.

14 Dated this 14th day of February, 2022.

15
16 

17 J. Richard Creatura
18 Chief United States Magistrate Judge
19
20
21
22
23
24